

FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

2001 NOV 29 A 11:05

MICHELLE BATTLE HANDY

: CLERK'S OFFICE
v. : AT BALTIMORE DEPUTY
: CIVIL NO. L-01-1887

STATE OF MARYLAND, et al.

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MICHELLE BATTLE HANDY

:
v. : CIVIL NO. L-01-1477

STATE OF MARYLAND, et al.

:

ORDER

Plaintiff has filed two separate Complaints against Defendants. Each Complaint contains the same seven counts, but Plaintiff contends that the Complaint in L-01-1887 is based on events that occurred after the filing of the Complaint in L-01-1477. Plaintiff has filed a Motion to Consolidate the two cases.

Defendants have filed Motions to Dismiss both cases. Defendants' Motions argue that Plaintiff has failed to comply with Rule 8 of the Federal Rules of Civil Procedure and that Plaintiff's Complaints are substantively defective.

The Court finds that there are counts in both Complaints that survive Defendants' Motions to Dismiss. These counts relate directly to the common facts underpinning Plaintiff's Complaints. As a result, dismissing the Complaints in part, while allowing the remainder to proceed to discovery, would not save significant time or resources. Accordingly, Defendants'

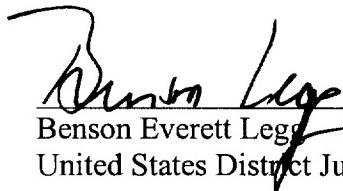
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Motions to Dismiss are both DENIED without prejudice. Defendants may, of course, supplement and refile their motions as motions for summary judgment.

Additionally, L-01-1877 is hereby DISMISSED without prejudice. Plaintiff shall file an amended complaint in L-01-1477 that advances all of Ms. Handy's claims in one suit. When drafting the amended complaint, Plaintiff shall re-write Count III (Equal Protection Under the U.S. Constitution) to assert a cause of action under Section 1983. The amended complaint must comply with Rule 8 of the Federal Rules of Civil Procedure and may not exceed 12 pages in length.

It is so ORDERED this 2877 day of November, 2001.



Benson Everett Legg
United States District Judge